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BANK & TRUST COMPANY, formerly known as
10 and successor to Borel Private Bank & Trust
Company
11

12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 In re:
16 272 E. Santa Clara Grocery, LLC,
17 Debtor.

CASE NO. 13-53491

CHAPTER 11

**SECURED CREDITOR BOSTON
PRIVATE BANK & TRUST COMPANY'S
OBJECTION TO DEBTOR'S BALLOT
SUMMARY AND TABULATION
RELATIVE TO BPB'S PLAN [DKT. NO.
205-3]**

Date: June 18, 2014
Time: 1:30 p.m.
Judge: Hon. Stephen L. Johnson
Courtroom: 3099

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25 Secured Creditor Boston Private Bank & Trust Company ("BPB") hereby submits its
26 objection to Debtor's Ballot Summary and Tabulation Relative To BPB's Plan [Dkt. 205-3] on
27 the grounds that the Court's Order dated April 9, 2014 approving BPB's Disclosure Statements
28 and Fixing Time for Filing Acceptances and Rejections of the Plans [Dkt. No. 166] provides that

1 BPB's counsel is to file the summary for the BPB Plan. In addition, under Local bankruptcy Rule
2 3020-1, unless otherwise ordered by the Court, the plan proponent is to prepare and serve the
3 ballot tabulation. Therefore there is no basis for the Debtor to file the summary for BPB's Plan.
4 Finally, the Debtor has incorrectly tabulated the ballots submitted relating to BPB's Plan. The
5 summary submitted for BPB's Plan by the Debtor should therefore be disregarded.

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7 Dated: June 13, 2014

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9 By: /s/ Stephen J. Kottmeier

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12 Attorneys for Secured Creditor
13 BOSTON PRIVATE BANK & TRUST
14 COMPANY
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